

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

DR. PATRIZIA RICCARDI,

Plaintiff,

v.

DR. ROBERT KESSLER,

Defendant.

3:06-CV-00605

Judge Haynes

CASES CONSOLIDATED

3:06-cv-0615

DEFENDANT ROBERT KESSLER'S SECOND  
MOTION FOR SUMMARY JUDGMENT

*Over  
for the  
Riccardi should  
in open court,  
this motion is  
DENIED.  
will file  
3-14*

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and the Local Rules of this Court, Defendant Dr. Robert M. Kessler ("Kessler") moves the Court for summary judgment on Plaintiff's claim of retaliation under the Tennessee Human Rights Act, T.C.A. § 4-21-301 ("THRA").

For the reasons more fully set forth in Kessler's memorandum of law, Kessler requests that the Court grant this motion and dismiss Plaintiff's remaining claims of retaliation against him because Plaintiff, Patrizia Riccardi ("Riccardi") cannot make out a *prima facie* case of retaliation since Riccardi's false and defamatory allegations to her employer, other Vanderbilt University employees and the American Association of University Women ("AAUW") were neither honest nor in good faith, and thus cannot be "protected activity" under the THRA. A retrial on this issue is precluded by the law-of-the-case doctrine since a prior jury found her accusations to be false and defamatory and awarded Kessler punitive damages for her conduct.